

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:23-cv-02017-VBF-BFM

Date: November 15, 2024

Title: *Alfred G. Clarke v. San Bernardino County Sheriff's Department et al.*

Present: The Honorable Brianna Fuller Mircheff, United States Magistrate Judge

Christianna Howard

Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Plaintiff:

N/A

Attorneys Present for Defendants:

N/A

Proceedings: **(In Chambers) Order to Show Cause**

Plaintiff Alfred G. Clarke, currently housed at Corcoran State Prison, filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983. (ECF 1.) In his Complaint, he alleged that his civil rights were violated while he was held at San Bernardino County Jail.

Thus far, the Complaint has been served on a single Defendant, Deputy S. Herrera. Deputy Herrera filed a Motion seeking dismissal of the Complaint. (ECF 18.) Plaintiff's opposition to that Motion was due November 4, 2024. To date, the Court has not received any opposition to the Motion.

As Plaintiff was previously advised, failure to oppose a motion to dismiss may be construed as consent to granting of the motion and may result in dismissal of this Defendant from this action. (ECF 19 (citing C.D. Cal. Local Rule 7-12).) Plaintiff is therefore **ordered to show cause**—meaning, to explain in writing—why Deputy Herrera should not be dismissed based on his failure to oppose the Motion. Plaintiff shall file his response to this Order **no later than December 16, 2024**. Filing of an opposition to Deputy Herrera's Motion by December 16, 2024, shall be deemed a sufficient response to this Order.

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Failure to respond to this Order by December 16, 2024, may result in a recommendation that Deputy Herrera be dismissed from the case based on Plaintiff's failure to oppose the Motion to Dismiss and failure to prosecute the case and to follow court orders.

IT IS SO ORDERED.

cc: Alfred G. Clarke, pro se
Counsel of record

Initials of Preparer: ch